

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

C.R. No.5532 of 2016

Date of Decision.29.08.2016

Manjit Kaur and another

.....Petitioners

Vs.

Balbir Kaur and others

.....Respondents

Present: Mrs. Gurnam Kaur Turka, Advocate
for the petitioners.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

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AMIT RAWAL J. (ORAL)

The petitioner-plaintiff is aggrieved of the impugned order dated 16.07.2016 whereby the application at the behest of the defendant seeking amendment of the written statement has been allowed.

Mrs. Gurnam Kaur Turka, learned counsel for the petitioner submits that the trial Court has erroneously and perversely allowed the application. The amendment in the written statement sought to be incorporated is to substitute the words plaintiffs with defendants in certain paragraphs and also an alternative relief sought, which is not permissible in law. She further submits that the amendment in the written statement would cause serious prejudice to the plaintiff and indirectly, tantamounts to withdrawal of the admission.

I have heard learned counsel for the petitioner, appraised the paper book and of the view that the parameters for amendment of the plaint and the written statement are totally different. The amendment sought is

with regard to the fact that the plaintiff is entitled to claim possession from a third party. In view of aforementioned, the amendment does not tantamount to withdrawal of admission and cannot also fall within the expression “despite due diligence”. It is bona fide and legal plea, which, in my view, is rightly allowed. The trial Court, in my view, has examined the respective contentions of the parties, much less, pleadings seeking amendment and allowed the application.

I am in full agreement with the finding rendered by the trial Court. No ground for interference is made out, much less, the order cannot be said to be passed without jurisdiction. The revision petition is dismissed.

(AMIT RAWAL)
JUDGE

August 29, 2016
Pankaj*

Whether reasoned/speaking Yes

Whether reportable No